THE HYDERABAD PAYMENT OF TAXES (TRANSFER OF PROPERTY) ACT, 1951.

No. XXI OF 1951.

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*THE HYDERABAD PAYMENT OF TAXES (TRANSFER OF PROPERTY) ACT, 1951.

No. XXI OF 1951.

An Act to make provision for the payment of †[taxes] before transfers of property are registered in certain case.

Preamble.

Whereas it is expedient to make provision for the payment of †[taxes] before transfers of property are registered in certain cases ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act, may be called the Hyderabad Payment of Taxes (Transfer of Property) Act, 1951.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on such date as the Government may by Notification in the Jarida, appoint in this behalf.

Application of Act.

2. This Act, shall apply to any person—

(*i*) who on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances leaves or has, since the 14th day of August, 1947, left any place in the State of Hyderabad for any place outside India or who, since the said date has been residing in any place outside India ; or

(*ii*) who in the opinion of the Deputy Commissioner of Sales-tax and Agricultural Income-tax or the Custodian of Evacuee Property or a Collector is likely to leave the State of Hyderabad with the intention of settling in any place outside India and in respect of whom a declaration that he is a person to whom this Act, applies has been received from any such Deputy Commissioner, Custodian of Evacuee Property or Collector by the registering officer of the area in which any property, belonging to such person is situate.

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*Published in Gazette Extraordinary No. 30, dated 28th May, 1951.

†The word ' taxes ' was substituted for the words 'agricultural income-tax and sales-tax ' by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

Payment of agricultural income-tax and sales-tax before registration of documents.

3. (1) When any document required to be registered under the provisions of clause (*a*), clause (*b*), clause (*c*), or clause (*e*) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908) purports to transfer, assign, limit or extinguish any right, title or interest in any immovable property belonging to any person to whom this Act applies, no registering officer appointed under the said Act shall register any such document, unless it is certified by the Deputy Commissioner of Sales-tax and Agricultural Income-tax in respect of the person whose right, title or interest in the immovable property is to be so transferred, assigned, limited or extinguished under the terms of the document that—

*[(*a*) such person is not liable to assessment or taxation under the Excess Profits Tax Act, 1355 Fasli (I of 1355 F.) the Luxury Sales Tax Act, 1357 Fasli (III of 1357 F.), the Income-tax Act, 1357 Fasli (VIII of 1357 F.), in so far as it relates to agricultural income-tax, the Hyderabad Agricultural Income-tax Act, 1950 (XIII of 1950) or the Hyderabad General Sales Tax Act, 1950 (XIV of 1950); or]

(*b*) such person has either paid or made satisfactory provision for the payment of all existing or anticipated liabilities under any of the Acts, specified in clause (*a*) of this sub-section; or

(*c*) the Deputy Commissioner of Sale-tax and Agricultural Income-tax is otherwise satisfied that the registration of the document will not prejudicially affect the recovery of all existing or anticipated liabilities referred to in clause (*b*) of this sub-section.

(2) If the Deputy Commissioner of Sales-tax and Agricultural Income-tax refuses to issue a certificate under the provisions of sub-section (1), he shall make on order of refusal and record his reasons therefor and, on application made by any person claiming to be affected by such order, shall, subject to the payment of such fee as may be prescribed, furnish such person with a copy of the order.

Recovery of taxes where property has been transferred without certificate.

**[3-A (1) Where any right, title or interest in any immovable property is or has been transferred, assigned, limited or extinguished after the seventeenth day of September, 1948, any prescribed officer of the area in which such property is situate may at any time issue a notice to all or any of the parites to the transaction requiring them or him to produce within one month from the date of service of the notice, a certificate of the Deputy Commissioner of Sales Tax and Agricultural Income-tax of the said area in the terms mentioned in section 3 so far as it relates to taxes with which the prescribed officer is concerned.

*As substituted by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

**As added by the Act No. XV of 1952, published in Gazette Extraordinary No. 47, dated the 8th April, 1952.

(2) If no such certificate is produced before the prescribed officer, he may forward a statement to the Collector showing the existing and anticipated liabilities by way of taxes with which the prescribed officer is concerned in respect of all or any of the said parties and the Collector shall on receipt of such statement proceed to recover the total amount shown in such statement as if it were an arrear of land revenue and for the purpose of such recovery proceedings, he may treat the said property as if it belonged to all or any of the persons named in the statement.

(3) For the purposes of this section 'prescribed officer' means the officer appointed by rules made under this Act take action under this section in respect of one or more of the taxes referred to in clause (*a*) of sub-section (1) of section 3.]

Right of appeal.

4. An appeal shall lie against the order of the Deputy Commissioner of Sales-tax and Agricultural Income-tax, refusing to issue a certificate under the provisions of sub-section (2) of section 3 to the Commissioner of Sales-tax and Agricultural Income-tax, if the appeal is presented to the said Commissioner within thirty days from the date of the order and the Commissioner may pass such orders thereon as he may think fit.

Effect of Act over other laws.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Bar of suits.

6. No suit, prosecution or other legal proceeding shall lie against the Government or any person or authority in respect of anyting which is in good faith done or intended to be done under this Act.

Power to make rules.

7. The Government may make rules for the purpose of carrying into effect the objects of this Act and in particular, prescribed the fee payable under sub-section (2) of section 3.

Repeal.

8. The Payment of Taxes (Transfer of Property) Regulation, 1358 F. (XLVII of 1358 F.) so far as it relates to the transfer of agricultural land is hereby repealed.